

CAL-NEV TAHOE BASIN FIRE COMMISSION SUMMARY MINUTES

February 19, 2008

South Lake Tahoe Community College

1. Call to Order – Roll Call

Present:

Commissioners Michael Brown, Ruben Grijalva, Bud Hicks, Ron McIntyre, Jim Peña, John Pickett, John Upton, Pete Anderson, Cindy Tuck, Patrick Wright. Ex-Officio Members Leo Drozdoff and Allen Biaggi.

Absent: Chairman Sig Rogich, Chairwoman Kate Dargan, Commissioners Bob Davidson, Jeff Michael, James Wright. Ex-Officio Member Amy Horne

It was noted that quorum was present. As Commission Co-chairs are absent, Commissioner Bud Hicks was appointed acting Chairman by unanimous vote.

2. Minutes of the January 25, 2008 Commission Meeting-(Action)

Motion to accept the minutes of January 25, 2008.

Moved by Commissioner John Upton, seconded by Commissioner Ruben Grijalva. Passed unanimously.

Minutes of February 8, 2008 will be considered at the following Commission meeting.

3. Staff Report

Dana Cole of the Commission staff reported that as of the February 15, 2008 for accepting Findings and Recommendations (F&Rs) 120 have been submitted and are available to the Commission and to the public. Two more meetings are scheduled, March 6 and 7 and March 20 and 21, 2008. Mr. Cole distributed a copy of the draft of the final report in its current form. He stressed that it is still in very early stages and wanted the Commissioners to have an idea of the general outline.

He suggested that the Commission move to consideration of the F&Rs that have been forwarded to the Commission from the Committees for review and/or approval. The Commission will return to Committee reports after this phase.

Recap of F&Rs Considered by V number

V-001 Fuels Treatment Coordination

Approved/Unanimously

V-007 Catastrophic Fire

Approved/Unanimously

V-024 Lack of Comprehensive Air Quality Information

Approved/Unanimously

V-025 Burn Days

Approved/Unanimously

Abstained: Commissioner Cindy Tuck

V-026 Air Quality Public Information

Approved/Unanimously

V-027 Low emission fuel reduction techniques

Approved/Unanimously

V-028 Nevada Burn Days

Approved/Unanimously

V-029 Woody Bio-mass

Approved/Unanimously

V-039 Bio-mass

Approved/Unanimously

V-012 Temporary Roads

Approved/Unanimously

V-015 Project Monitoring

Approved/Unanimously

V-009 Level of Protection

Action will not be taken at this time. Tabled for next meeting.

V-010 Permit Streamlining

Approved/Unanimously

V-011 Level of Protection #2

Approved/Unanimously

V-017 Defensible Space

Continued to next meeting.

Discussion of Findings and Recommendations agenzized for Final Commission Action.

Catastrophic Fire Recommendations

V-001 Approved

FUELS TREATMENT COORDINATION: A common method is needed to prioritize fuels treatment work across ownership boundaries.

- Commissioner Jim Pena – To improve coordination and collaboration in fuels treatment plans throughout the basin by 1) endorsing the 10 Year Plan and its annual updating and 2) the 17 agencies covered by the strategic plan would develop one or more fuel treatment projects across jurisdictional boundaries with one decision document, combined funding and one implementation contract to the extent feasible. Learned that is already happening for Round 8 of SNMPLA funding.

No Commission questions

No public comment

V-007 Approved

CATASTROPHIC FIRE: The risk of wildfire in the Lake Tahoe Basin is extreme and the probability of catastrophic fire occurrence is increasing.

- Three recommendations
 - Restoration of forests to a fire resilient condition a common management goal.
 - The Governors of California and Nevada should adopt the priorities of life, property, and environment in that order with respect to fire safety and management.
 - The Governors of California and Nevada advise and recommend to TRPA and the various state agencies that these priorities should be incorporated in the order previously noted to the maximum extent possible.

No Commission questions or comments.

No public comment.

Air Quality Findings and Recommendations

Mr. Pena began by saying that for the five F&Rs that fall under air quality were recommended with input from the air quality working group. The sense is that it has broad support and that the agencies that would be tasked with implementation are on board.

Commissioner John Upton said that several technical issues were considered and worked through. Commissioner Cindy Tuck asked about a new recommendation concerning burn days. The issue is incorporated in V-025, recommendation number five. The Air Resources Board has expressed concerns.

Commissioner Ruben Grijalva asked if the Commission as a whole is ready to take action. All Commissioners have not had time to read them all. Mr. Hicks said that we will take them one at a time and take time to read them. Mr. Cole pointed out that during the next meetings they will have to be read over night in many cases. Mr. Grijalva asked that Commissioners be prepared to discuss any issues that might be important to the F&Rs under consideration. Mr. Hicks invited all interested members of the public to speak up on issues of concern.

V-024 Approved

LACK OF COMPREHENSIVE AIR QUALITY INFORMATION: There is a lack of comprehensive air quality and meteorological information within the Lake Tahoe Basin to analyze air quality conditions to optimize burn windows for prescribed fire activities.

Commissioners' comments:

- Mr. Pena – this F&R and others were agreed to as amended

No public comment.

V-025 Approved

Commissioners' comments:

- Mr. Pena – this was a controversial F&R because of the burn day status. The working group worked well together in discussions of the affected agencies and building a common understanding.
- Ms. Tuck – would like to have had more time to review. Discussed recommendation number five. This would be a feasibility study, is that the intent?
- Commissioner Patrick Wright – health studies are an issue. This is a recommendation to ask for consideration. Will require an understanding public health issues.
- Mr. Grijalva – a test program by March 1, 2008?

- The process is already in place. The committee included the date to stress urgency.
- Ms. Tuck – requested that she be recorded as abstaining on this vote.

Public Comments:

- Richard Adams, State Parks – Air Resources Board has not yet approved of this F&R, section 5.

V-026

Approved

AIR QUALITY PUBLIC INFORMATION: There is no comprehensive public information for the Lake Tahoe Basin for fuels treatment, prescribed burning, smoke management, and public health.

No Commissioners' questions or comments.

No public comments.

V-027

Approved

LOW EMISSION FUEL REDUCTION: Part of the necessary tools needed to minimize health based air quality issues and visibility impacts when reducing the fuel load.

- Mr. Pena – Land managers were a part of the working group that help put together this recommendation.

No Commissioners' questions or comments.

No public comment.

V-028

Approved

NEVADA BURN DAYS: Nevada does not regulate burn and no-burn days, rather it is left to the land managers' discretion to ignite prescribed fires only when conditions are acceptable. This allows land managers greater flexibility to effectively and efficiently reduce forest fuels within their jurisdictions.

- Mr. Hicks – this appears to affect only Nevada. Is this a recommendation to the Governor of Nevada only?
- Commissioner Allen Biaggi – this is recognition that climate conditions can be different on the Nevada side. But it is a recommendation to both Governors and urging the Governor of California to resist any calls for changing Nevada side regulations.

No Commissioners' questions or comments.

No public comment.

Bio-mass and Fuel Treatments Recommendations

V-029 Approved

BIOMASS: Woody bio-mass is an essential component of restoring healthy forest conditions, reducing the severity and intensity of future wildfires, lowering air and water pollution, and managing greenhouse gas production in the Tahoe Basin.

Mr. Pena said that the Committee worked closely with the Bio-mass working group on this F&R. There was a good deal of consensus and the issue has been very well vetted especially as concerns V-032.

No Commissioners' questions or comment.

Public comment:

- Jennifer Quashnick – Sierra Forest Legacy. Suggests revisions – agreed with most of the aspects of this F&R but requested two changes be made - section #4 to read “compatible with existing laws.” Section #8 – does not want fuel removal to continue long term beyond what is actually required for healthy forest management. Would be willing to remove the term “excess bio-mass.” Asked that the Commission consider making these changes so that her group could agree to sign on to the F&R.

No amendment was offered.

Mr. Cole said that Chairman Hicks has been calling for public comment before taking action.

V-032 Approved

FUELS REDUCTION: Fuels reduction projects incorporating tree thinning and bio-mass removal are essential to restoring health to Lake Tahoe's forests and to protect against the hazards of catastrophic fire.

No Commissioners' questions or comment.

No public comment.

V-012 Approved

TEMPORARY ROADS: The utilization of temporary access roads for mechanized harvesting equipment in the Lake Tahoe Basin is critically necessary to reduce the risk of catastrophic wildfires, to protect lives, property and the unique environment of the Lake Tahoe Basin, and to improve the health of the forests.

Mr. Pena said that this is a controversial subject but that there is agreement that there are areas that are difficult to reach for treatment. Regulatory agencies felt that they have been allowing for temporary roads to be constructed. Some of the comments, though, were that it was very difficult to obtain permits for these temporary roads and that it took more time than necessary. This recommendation recognizes the need for access and

minimizing the effect of access roads. There is a system in place for best management practices.

Commissioner Ron McIntyre – will these roads go through NPA and SQA documentation?

Answer – Yes.

Commissioner Pete Anderson – Mr. Pena summarized the F&R well, no additional comment.

No Commissioner questions or comment.

No public comment.

Project Funding and Monitoring

V-015

Approved

PROJECT MONITORING: The imposition of comprehensive project monitoring as a project condition upon individual contractors and agencies performing the risk reduction projects reduces both project performance and the application of adaptive management science for the protection of the Tahoe Basin environment.

Mr. Pena said that there was a good deal of discussion in the Committee regarding this F&R. The intent was to recognize that not all of those who do fuel treatment have the capability to complete monitoring. Regulatory agencies would be requested to assist with monitoring, but that the final responsibility would be with the project manager.

Commissioner questions or comment:

- Mr. Upton – formed a monitoring working group. The Forest Service is equipped to handle the full range of monitoring and have a good program. Project manager though will have final responsibility though it is difficult for them to produce valid data without assistance.
- Mr. Patrick Wright – what are we asking the agencies to do, specifically?
- Mr. Pena – we will ask if there is a third party monitoring system. The intent is that there will be. The funding sources could come from a pool put together by the implementers.
- Mr. Wright – are we calling for a new way or a new approach of completing monitoring?
- Mr. Pickett – the TRPA and TIMS (?) already has a way to do the monitoring and, with funding, could assist in implementation.

Public comment:

- Laurie Kemper – Lahontan Water Board. Agrees that it is a bit unclear – outlines types of monitoring currently. Project manager needs to be sure that the BMPs have been installed on the project. Any effectiveness long term monitoring is not always required, only where there is concern about a particular BMP failing. Research related monitoring is also in place. Recommends voting on section A

but make the language more clear. There is another recommendation coming through the process that addresses the issue of third party monitoring – V-109.

- Mr. Pena – section B was meant to clarify. It should read “request that agencies involved with implementing be responsible for implementation monitoring.” This would be in alignment with section A.

Motion to Amend Recommendation B to read “request that agencies involved in implementing (replacing: permitting) be responsible with implementation monitoring.”

Seconded.

Approved.

Public Comment:

- Jennifer Quashnick – expressed continued concerns with the process. Frustrations with the decisions to endorse F&Rs being made without adequate reading of the facts, without requirements for proponents to provide information that substantiates statements being made in the Findings and Recommendations, and finally only marginal consideration of the concerns being made by the conservation community, Sierra Forest Legacy, Sierra Club, and League to Save Lake Tahoe. We did provide another written comment for F&Rs up to V-081. We were told that when our recommendations are not following without discussion in the Committees it doesn't mean that our concerns are being ignored. Rather it is a matter of a basic disagreement from the entire community. We are bringing concerns that are a matter of science, existing regulations, environmental conditions, homeowner compliance, and the way the Angora fire behaved. It is of concern that our ideas warrant such minimal discussion. We will continue to represent the public and offer suggests and continue to advocate for science based public process and decision making. Today, about 40 new F&Rs were discussed that were not available on the web-site and too few handouts were available. Our concerns with this process remain.

Mr. Hicks – thanks to Ms. Quashnick and said that we do value your comments and perspectives and that of the conservation special interest community. Recognizes the frustration but respects their expertise. We are all constrained by the time constraint and work to comply with all open meetings laws and requirements.

Mr. Cole – We will move forward with Committee Reports.

Mr. Grijalva – were there F&Rs that action was taken on today that were not on web-site.

Mr. Cole – not to my knowledge. They may have been discussed but there was no action on any F&Rs that were not agenized.

Mr. Pena – in our committee there were nine that were agenized but not on the web-site.

Mr. Grijalva – asked for legal council opinion. If the items were agenized by subject matter and the F&Rs are made available at the meeting today, is there an issue if no action is being taken by the full Commission at this point.

Christine Sproul – both California and Nevada provide for general subject matter notice. The language for the submitted F&Rs was available to the public, though not as many copies as might have been desired there is no issue of concern.

Mr. Cole – these F&Rs are posting in as timely a manner as possible. They are posted as a courtesy and not because we are required to. What is required by law is that copies be available at the time of the discussion and this is being done. There is a binder in each Committee meeting room with all of the F&Rs available for review and inspection. The law only requires that one copy be available and we far exceed that.

Mr. Pena – in our committee we are sure to read each F&R for the benefit of all attending the meeting before taking any action. We are working with advice of council at all times.

Mr. Pena – a report of today's Wildland Fuels Committee. All F&Rs have been reviewed, only one will need to come back.

Mr. Hicks – we will now move to the Community Fire Safety issues.

Mr. Grijalva – covered a lot during today's meeting. Took action on 17 F&Rs in the morning and six items in the afternoon. Made a lot of progress though there is still much to do. V-009 will be considered at another time.

V-010 Approved

PERMIT STREAMLINIG: The existing system for getting permits to reduce fuel loads is often confusing, sometimes redundant and overly complex.

Mr. Grijalva – information came from a permit streamlining working group and there were no significant controversial issues or concerns.

Mr. Biaggi – regarding not requiring permits for removing trees of 14 inches in diameter or less. This has been accomplished. Is it necessary to include it here?

Mr. Grijalva – this was accomplished because of the efforts of the working groups, the Committees, Commission and should be included to draw attention to that fact. We are making progress before completion of the Commission's work.

No public comment.

V-011 Approved

LEVEL OF PROTECTION #2: While the fire service has universally adopted the "closest forces" concept to insure the rapid initial attack of all wildfires, jurisdictional

boundaries have prevented closest forces being utilized effectively in the Lake Tahoe Basin.

Mr. Grijalva – at our next meeting we will have a presentation on this subject during the Angora fire.

No Commissioners' questions or comments.

No public comment.

Mr. Cole – F&Rs on the agenda for item C or item D will not be discussed at this time.

Mr. Hicks – Discussion of the meeting of the Legislative and Funding Policy Committee. Started with work on four F&Rs on the Emergency Declaration topic. Started on the funding issues and were able to get through eight or nine F&Rs. We were unable to get to all of the issues on the agenda. The meeting was recessed but will adjourn at the end of this meeting. There is nothing at this point to bring forward to the Commission.

7. Working Group Report

Mr. Pickett – Discussed a current effort by the TRPA to coordinate a data base system that can be shared by all agencies in the basin. A model is being developed that will allow homeowners to see the effects of actions taken on their property in terms of reducing fire threat. This will help everyone assess the effectiveness of various approaches. This will mean no more paper inspections – all information will be entered on a PDA and be available to all concerned. A reminder: this is valuable information but it will be expensive.

8. Public Comment

Mr. Pena – read a public comment card from a citizen who was unable to stay through the public comment section of the meeting. Concerns, dead trees at Angora, need to reduce fuels now, observed many problems in fuel reduction needs during recent hikes. She asked that that Commission be serious about protecting the residents of the basin.

Robert Kilroy – Deputy Attorney General, State of Nevada – Thanks to Mr. Bud Hicks for stepping up and filling in as Chairman today. He did an excellent job.

9. Adjourn

